Managing Vietnam's maritime boundary disputes

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Abstract: This article examines the progress made in managing Vietnam's maritime boundary disputes and analyzes the challenges that lie ahead relating to unsettled disputes. The continuity and change in Vietnam's approach to dispute settlement and the difficulties in managing the unresolved maritime disputes are assessed. Vietnam has made considerable progress in managing its maritime disputes; however, continued efforts are needed to address the unresolved disputes.

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The Hoang, S., Truong, S., (1985) Archipelagoes (Paracels and Spratly), Dossier II, (Ministry of Foreign Affairs, Socialist Republic of Vietnam, , Hanoi


and The Hoang Sa and Truong Sa Archipelagoes Vietnamese Territories (Hanoi: Ministry of Foreign Affairs, Socialist Republic of Vietnam, 1981)The Geneva Agreements that ended to so-called first Indochina conflict in 1954 stipulated that Vietnam was to be temporarily divided into two zones, north and south of the 17th parallel. The two archipelagoes, located south of the 17th parallel, would be under the administration of the Republic of Vietnam. One of the key studies on the historical documentation used to sustain Vietnam's claims to the Paracel and Spratly archipelagoes is Vo Long Te, Les archipels de Hoang-Sa et de Truong-Sa selon les anciens ouvrages vietnamiens d'histoire et de géographie (Saigon: Ministère de la culture, de l'éducation et de la jeunesse, 1974)1833 U.N.T.S. 397See supra note 1See supra note 1The reason given as to why Cambodia is not a party to
the 1982 UNCLOS is that Cambodia does not have the capacity to translate the text of the 1982 UNCLOS, which is a requirement for submission to the National Assembly (Interview by Nguyen Hong Thao with Mr. Var Kimhong, Superior Minister, President of the Cambodia Border Commission in Hanoi in February 2006) Lee Lai, T., (1999) China and the South China Sea Dialogues, , See:, Westport and London: Praeger

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• In the context of this article, China is used as synonymous to the Peoples Republic of China
• See also supra note 1In addition to the material in supra note 1, see Mark J. Valencia, Malaysia and the Law of the Sea: The Foreign Policy Issues, the Options and their Implications (Kuala Lumpur: Institute of Strategic and International Studies [ISIS Malaysia], 1991)In addition to the material in supra note 1, see: Hermogenes C. Fernandez, The Philippine 200-Mile Economic Zone: Sources of Possible Cooperation or Disputes with Other Countries, Series One Monograph, No. 3 (October 1982) (Makati, Metro Manila: Development Academy of the Philippine Press, for the Secretariat to the Cabinet Committee on the Law of the Sea Treaty)Novicio, N.M., The South China Sea Dispute in Philippine Foreign Policy: Problems, Challenges and Prospects (2003) IDSS Monograph, 5. , Singapore: Institute for Defence and Strategic Studies, Nanyang Technological Institute
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- Hung-yu, C., A Comparison Between Taipei and Peking in their Policies and Concepts Regarding the South China Sea (1993) Issues and Studies, 29, pp. 22-58., For a detailed comparison between China's and Taiwan's claims and policies, see
- This Chinese source refers the two Agreements as relating to the Beibu Bay, i.e, the Gulf of Tonkin The full text of the agreement has been reproduced in three recent studies: Zou Keyuan, The Sino-Vietnamese Agreement on Maritime Boundary Delimitation in the Gulf of Tonkin, Ocean Development and International Law, 34 (2005), pp. 22-24 Hong Thao, N., Maritime Delimitation and Fishery Cooperation in the Tonkin Gulf (2005) Ocean Development and International Law, 34, pp. 41-44


Vietnam's Ministry of Foreign Affairs criticized Taiwan and stated that Taiwan's plans to construct a runway on Itu Aban constitutes a violation of Vietnam's sovereignty claims to both the Spratly and Paracel archipelagos. Taiwan's construction of a runway on Ba Binh Island (Itu-Aban) constitutes a severe violation of Vietnam's sovereignty, Answer to Correspondents by Mr. Le Dzung, The Spokesman of the Vietnamese Ministry of Foreign Affairs on 29th December 2005, from the website of the Ministry of Foreign Affairs of Vietnam, at http://www.mofa.gov.vn/en/nt baochi/pbfn/nsv051229163816 accessed on 3 August 2006

For more detailed analyses of the normalization process and the way in which the territorial disputes were addressed during this process, see: Ramses Amer, The Sino-Vietnamese Approach to Managing Boundary Disputes, Maritime Briefing, 3, No. 5 Durham: International Boundaries Research Unit, University of Durham, 2002

Amer, R., Assessing Sino-Vietnamese Relations through the Management of Contentious Issues (2004) Contemporary Southeast Asia, 26, pp. 327-328


For a broader analysis of the normalization process, see


Singapore: Institute for Southeast Asian Studies and New York: St Martin's Press

For details about the actions causing the periods of tension, see Amer, The Sino-Vietnamese Approach, supra note 40, pp. 8-26

The twelfth round of talks was held in Hanoi on 8-10 December 2005. See Viet Nam, China to complete landmark demarcation in 2008, from the website of the Ministry of Foreign Affairs of Vietnam, at www.mofa.gov.vn/en/tv040871014143/n0040871305001/ns051212154021 (accessed on 9 January 2006)

Thao, supra note 36, at p. 111

For details about the talks and the context in which they took place, see Amer, The Sino-Vietnamese Approach, supra note 40, pp. 11-34, 50-58

See also Amer, Assessing Sino-Vietnamese, supra note 40, pp. 331-333


Gulf of Tonkin Maritime Boundary Agreement, supra note 23


See also: Two China-Vietnam Beibu Gulf agreements take effect, from the website of the People's Daily Online (English version), at english.people.com.cn/200407/01/eng20040701 148157.html (accessed on 3 October 2004)

Supplementary Protocol to the Fisheries Agreement, supra note 25


See supra note 30

For details, see: Two China-Vietnam, supra note 47

See also VN - China Gulf Pact to Enhance Relations, Vietnam Law & Legal Forum, 10, No. 118 (June 2004), pp. 8-10


For an early analysis of the implications of the entry into force of the two agreements, see, July

The legal terminology used in this context is derived from ZouKeyuan, Maritime Boundary Delimitation in the Gulf of Tonkin, Ocean Development and International Law, 30 (1999), p. 246. Information pertaining to possible impact of Bach Long Vi Island on boundary delimitation is also derived from Keyuan, pp. 245-247

Ibid., pp. 245-246, 253

Thao, The Gulf of Tonkin, supra note 24, pp. 210-213

For an argument along similar lines with a parallel being drawn to the Brévié Line drawn in 1939 in the Gulf of Thailand, see Keyuan, supra note 53, pp. 238-240

For more detailed analyses, see: Thao, The Gulf of Tonkin, supra note 24, pp.
Thao, supra note 23, pp. 25-44 and Zou, supra note 23, pp. 13-24. For more details, see ibid., pp. 30-32.

In January 2005, Vietnam's Ministry of Foreign Affairs issued official statements in reaction to the shooting and killing of Vietnamese fishermen in the Gulf of Tonkin. The first statement was made in response to a question by a journalist on 13 January 2005. Mr. Le Dzung, spokesperson of the Ministry stated that Chinese vessels had shot dead nine Vietnamese fishermen, injured many others, and damaged their equipment. Furthermore, Vietnam had requested China to take active measures to prevent and put an end to such activities, as well as to carry out an investigation and severely punish the killers. Concerning the fact that the Chinese vessels shot to dead Vietnamese fishermen, from the website of the Ministry of Foreign Affairs of Vietnam, at www.mofa.gov.vn/tt baochi/pbfn/n/050120164827 accessed on 22 March 2005.

www.nhandan.com.vn/englisg/news/200105/china.htm, In another statement by Le Dzung on 20 January, he specified that the incident had occurred on 8 January and that apart from the nine deaths and the injured, China had captured a number of Vietnamese fishermen. He reiterated earlier Vietnamese demands. He also demanded that the Vietnamese who were being held be allowed to return to Vietnam, that Vietnamese officials be allowed to visit the injured and detained fishermen, and that a meeting be held by the Sino-Vietnamese Joint Fishery Committee to discuss measures to stabilize the situation. Chinese coast guards' killing of innocent Vietnamese fishermen violates international law, 20 January 2005, from the website of Nhan Dan, at, accessed on 11 March 2005.

China had a diametrically different view on the course of events. On 18 January, in response to a question relating to the events of 8 January, the spokesperson of China's Ministry for Foreign Affairs, Mr. Kong Quan, stated that several Chinese fishing boats had been robbed and shot at by three unidentified armed ships. This occurred on the Chinese side in the Gulf of Tonkin. When China dispatched police ships, they were shot at and this compelled the Chinese maritime police to take necessary actions, which resulted in the death of several armed robbers- one pirating ship and eight robbers were captured and their weapons confiscated. During interrogations, the captured robbers had disclosed that they were Vietnamese and confessed to carrying out the robberies. Finally, he stated that China was ready to collaborate with Vietnam to both take concretely effective measures and strengthen cooperation. Vietnam and China issued joint statement, from the website of the Ministry of Foreign Affairs of Vietnam, at www.mofa.gov.vn/en/n/040807104143/nr040807105001/ns050726144049 (accessed on 26 July 2005).


See also Vietnam, China make first joint navy patrol, Shanghai Daily (29 April 2006) reproduced on the website of the China Internet Information Center at www.china.org.cn/english/2006/Apr/167254.htm (accessed on 4 August 2006).


The Declaration on the Conduct of Parties in the South China Sea: A Note, Ocean Development and International Law 34 2003 , pp. 282-285

The official announcement of the agreement was made by the Philippines on 6 September 2004. RP-China Agreement on Joint Marine Seismic Undertaking in the Sea Constitutional Rumulo/DFA hails PGMA's Successful State Visit to China


